

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GRANT HEILMAN PHOTOGRAPHY,
INC.,

Plaintiff,

v.

McGRAW-HILL GLOBAL EDUCATION
HOLDINGS, LLC, McGRAW-HILL
SCHOOL EDUCATION HOLDINGS, LLC,

Defendants.

Case No.: 19-cv-04741-MMB

**PLAINTIFF GRANT HEILMAN PHOTOGRAPHY, INC.’S
RESPONSE TO DEFENDANT McGRAW-HILL SCHOOL
EDUCATION HOLDINGS’ MOTION TO DISMISS**

Plaintiff Grant Heilman Photography, Inc. (“Grant Heilman”), respectfully submits this response to Defendant McGraw-Hill School Education Holdings’ (“School Education Holdings”) Motion to Dismiss. Along with this response, Grant Heilman has filed a First Amended Complaint removing School Education Holdings as a defendant, which is the relief requested in School Education Holdings’s motion to dismiss. Accordingly, Grant Heilman respectfully requests that School Education Holdings’ motion to dismiss be denied as moot.

As Defendant acknowledges, Plaintiff’s counsel did not participate at all in discovery in the related case of *Grant Heilman Photography, Inc. v. McGraw Hill*, 17-694 (E.D. Pa.) (the “2016 Action”), which was handled entirely by the plaintiff’s prior counsel. School Education Holdings represents that it had no role in publishing the textbooks at issue in this case. In support of that claim, School Education Holdings cites an email exchange that it had with Plaintiff’s prior counsel. School Education Holdings represents that Plaintiff’s prior counsel

voluntarily amended the complaint in the 2016 Action to remove School Education Holdings based on Defendant's representation.

School Education Holdings did not grant Plaintiff's new counsel the courtesy of a similar email representation of School Education Holdings's non-involvement, choosing instead to file a motion to dismiss. Had it notified Plaintiff's counsel and provided plaintiff's counsel with the information contained in its motion, undersigned counsel would have likewise amended the Complaint to remove School Education Holdings, as it is doing today. Because the amendment provides School Education Holdings with all the relief it seeks, Grant Heilman requests that the Court deny School Education Holdings motion to dismiss as moot.

Dated: January 15, 2020

Respectfully submitted,

/s/*David J. Wolfsohn*
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Tyler Marandola, hereby certify that on January 15, 2020, I caused to be served via the Court's electronic filing system, a true and correct copy of the foregoing Plaintiff's Response to Defendant McGraw-Hill School Education Holdings' Motion to Dismiss on all counsel of record.

/s/*Tyler Marandola*